



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: June 28, 2005  
Comment Deadline: July 28, 2005  
Corps Action ID #:200330194

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Cleveland County Sanitary District  
C/O Butch Smith, General Manager  
Post Office Box 788  
439 Casar Lawndale Road  
Lawndale, North Carolina 28090

**AGENT:** Pamela M. Boaze  
Fish and Wildlife Associates, Inc.  
Post Office Box 241  
25 Water Tower Lane  
Whittier, North Carolina 28789

## **Authority**

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 USC 1344).

The Corps is soliciting scoping comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments received will be used to determine whether the magnitude of anticipated impacts require the preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Specific comments are requested regarding potential impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors including conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral

needs, considerations of property ownership, and, in general, the needs and welfare of the people.

## **Location**

The conceptual project, known as the First Broad River Reservoir, is an approximate 2,245 acre impoundment of the First Broad River, associated tributaries, and adjacent wetlands located north of Lawndale, Cleveland County, North Carolina. The impoundment will extend along the First Broad River from the proposed dam location just west of Lawndale Casar Road to a point approximately 10 miles upstream in the vicinity of Casar Road. The approximate coordinates of the proposed dam location are 35.4335406 N, and 81.5685226 W (Lawndale USGS Quadrangle Sheet).

## **Existing Site Conditions**

The project elevation starts at 880-feet in northwestern Cleveland County and descends to 790-feet near Lawndale at the proposed dam. Local relief averages 200-feet through rolling to hilly lands. Much of the land is being used for agriculture, leaving narrow strips of natural vegetation adjacent to the river and tributaries. The project area ranges from broad alluvial flats to steep slopes. Most of the natural vegetation remaining within the impoundment zone consists of Piedmont/Low Mountain Alluvial Forest (using Schafale and Weakley's *Classification of the Natural Communities of North America, Third Approximation (1990)*). These areas are dominated by river birch, tulip poplar, sycamore, red maple, black walnut, box elder, ironwood, American holly, and invasives including Chinese privet, multiflora rose, and Japanese honeysuckle. The riparian zone of the First Broad River is continuously wooded in a narrow band providing a wildlife corridor. Fishery surveys in the river and tributaries note that the river supports a warm water fishery including sunfish, darters, and suckers.

## **Applicant's Stated Purpose**

As stated by the applicant, the purpose of the project is to provide a regional water supply source for Cleveland County Sanitary District (CCSD) customers. CCSD customers, comprised of residential, small businesses, and agricultural use, are located in four counties and two states: Cleveland, Rutherford, Gaston, and Lincoln Counties in North Carolina and Cherokee County in South Carolina. CCSD has projected, based upon current rates of growth, that water needs for its customers will double by the year 2050. Current water sources and treatment facilities cannot meet this demand. The project is also to prevent the reoccurrence of water shortages in the region as experienced during the drought conditions of 1999-2002.

## **Project Description**

Preliminary plans estimate the construction of an 83-foot high dam across the First Broad River at a location 1.4 miles north of Lawndale near the terminus of SR 1671. The proposed earth-filled dam will be approximately 1,245-feet wide at the base and will have a 1,000-foot

wide emergency spillway on the south side. The applicant has stated that the specific dam dimensions are subject to revision but that the reservoir footprint will not change. The dam will create a reservoir with a surface area of approximately 2,245 acres impounding those areas below elevation 860-feet msl. Flooding impacts will include the loss of 24 miles of river and stream habitat and 1,400 acres of forested and agricultural land. The application indicates that riparian wetland impacts of less than 1 acre will occur if the project is constructed, however, these impacts have not been field verified at this time.

The water supply reservoir will impact five existing bridges or culverts and necessitate approximately 2.2 miles of roadway improvements on North Carolina Department of Transportation roads. The roadway improvements are associated with work necessary to construct the five new bridges and the elevation of the roadways on either side. The bridge/roadway improvements are to occur at Mauney Road (SR1513), Oak Grove Clover Hill Church Road (SR 1509), Delight Road (SR 1512), Kistler Road (SR 1514), and Hicks Hill Road (SR 1501). There will be no new roadway construction associated with the project.

A vicinity map, proposed reservoir location map, and a plan view of the proposed dam are provided with this public notice.

### **Proposed Mitigation**

The applicant proposes to develop mitigative measures to address effects upon species of concern, the loss of stream in the dam footprint, the conversion of stream and adjacent wetlands to lake aquatic habitat, and the loss of terrestrial habitat. These measures include but are not limited to: movement/relocation of species of concern to other suitable habitat; the establishment of a forested buffer of at least 100-feet around the entire reservoir; the purchase of larger tracts of adjacent land to be maintained as natural areas such as gamelands in conjunction with the NC Wildlife Resources Commission (WRC); the development of a lake fishery in the reservoir in cooperation with WRC; the pursuit of additional conservation easements on tributaries and headwater areas around the reservoir; stream restoration opportunities will be pursued; and the construction of recreational facilities such as public boat launch areas, public bank fishing access, and picnic areas developed in consultation with WRC and the Parks & Recreation Department.

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the

application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms. Cyndi Karoly by July 28, 2005.

### **Cultural Resources**

A Phase 1 archaeological survey was performed on accessible (with landowners permission) portions of the project area in July 2003 by Joy and Carruth. Two sites were determined to be potentially eligible for the National Register of Historic Places. Those properties within the project area that were inaccessible due to landowners refusing permission will need to be surveyed after acquisition. All survey results will be coordinated with the State Historic Preservation Office (SHPO) in accordance with the requirements of Section 106 of the National Historic Preservation Act.

### **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973 (ESA), that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. An identified population of the federally threatened small-flowered heartleaf (*Hexastylis naniflora*) is located within the proposed impoundment area. Consultation under Section 7 of the ESA will be initiated and no permit will be issued until the consultation process is complete.

### **Evaluation**

The decision whether to prepare an EIS will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

### **Commenting Information**

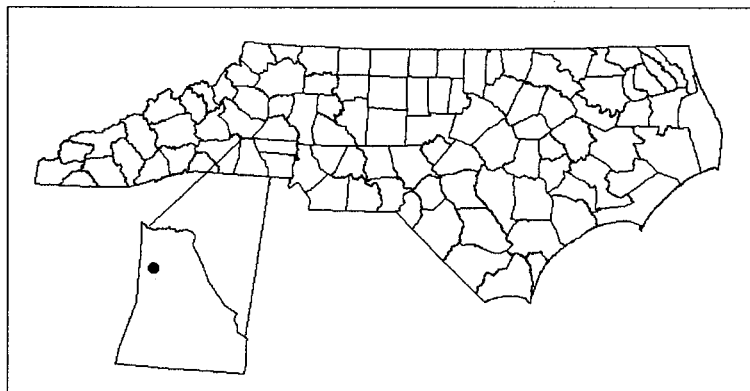
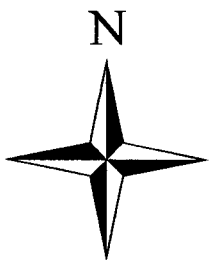
The Corps is soliciting comments in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also

used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, July 28, 2005. Comments should be submitted to Mr. David Baker, U.S. Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.

A copy of the complete application package may also be reviewed at the Corps of Engineers office at the above address during normal business hours.



NC-10

Belwood

Proposed Reservoir

Fallston

Polkville

Lawndale

General Vicinity Map, Cleveland County, NC

200330194

Proposed Cleveland  
County Reservoir

200330194



Composit of 2 USGS Quads  
Lawndale DMA 4645 NE  
Polkville DMA 4654 NW

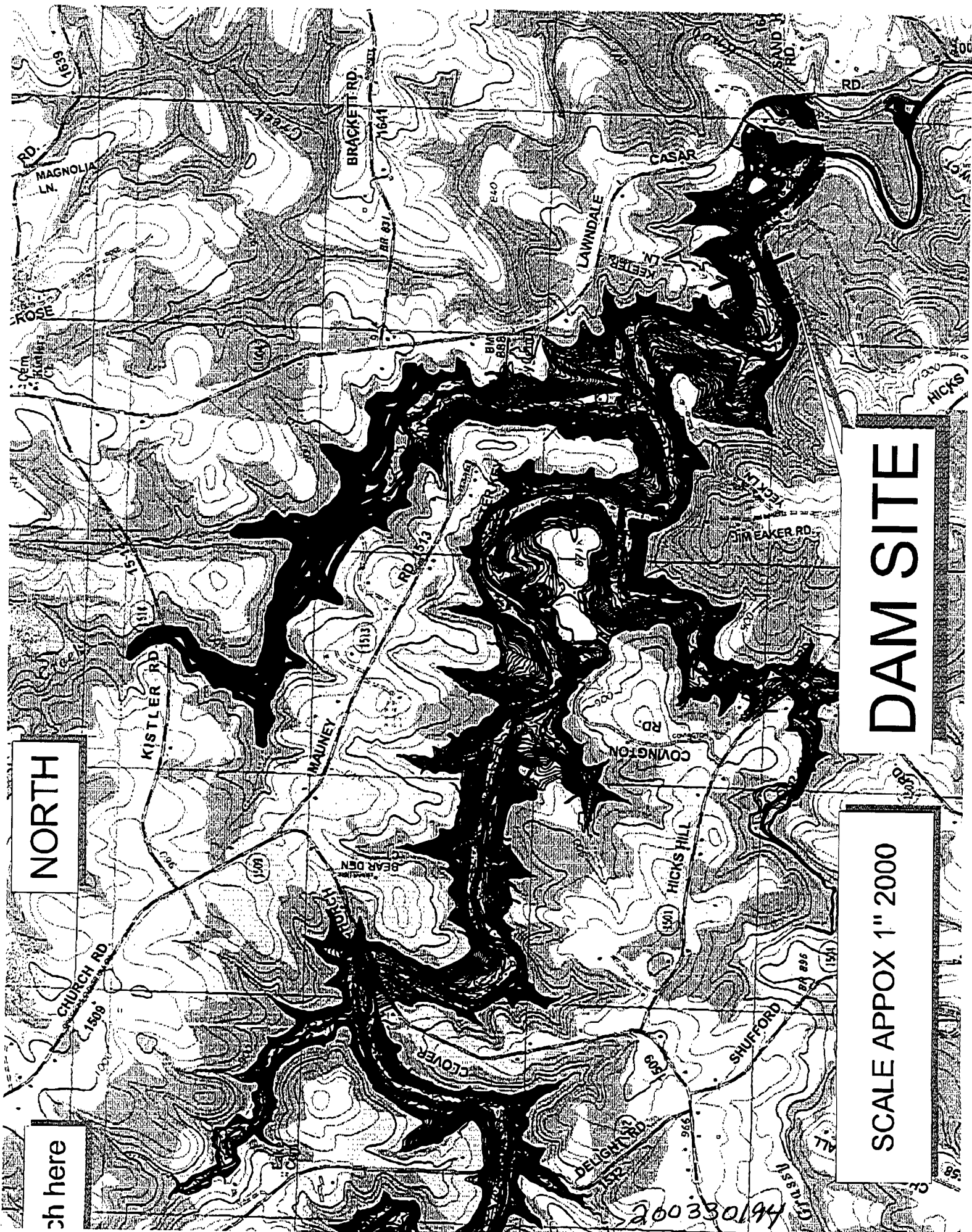


1.6 Miles

0.8

0

0.8



NORTH

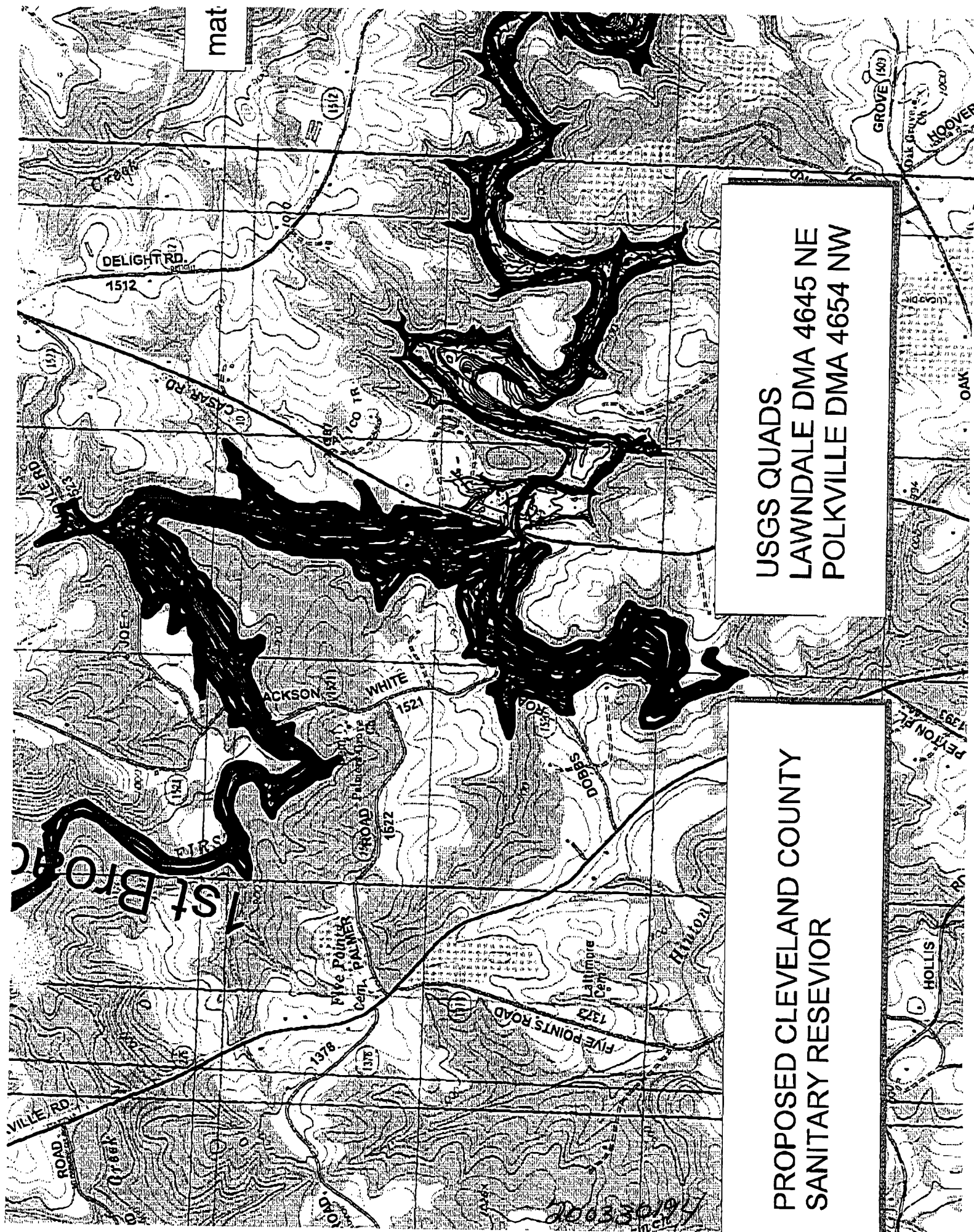
DAM SITE

SCALE APPROX 1" 2000



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		<b>CLEVELAND COUNTY DAM</b>	
NORTH CAROLINA PROFESSIONAL ENGINEER J.C. BLUMGARTNER		<b>PROP. EARTH DAM PLAN VIEW</b>	
DESIGNED BY JCB	SCALE 1"=100'	DATE 04/18/05	 <b>PINNACLE ENGINEERS, P.C.</b>
CHECKED BY MOC	DATE 04/18/05	PROJECT NO. JCB	81 Waterbury Road Suite 4, Asheville, North Carolina 28804 828/255-1704

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